

Appl. No. 10/078,043
Auty. Docket No. 8431M
Amdt. dated March 30, 2004
Reply to Office Action of December 30, 2003
Customer No. 27752

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously presented) An apparatus for the meaningful suppression of the growth potential of a pathogen *in-vivo*, said apparatus comprising an electromagnetic radiation source capable of providing broad-spectrum electromagnetic radiation, wherein said broad-spectrum electromagnetic radiation includes wavelengths of from about 190 nm to about 1200 nm, said broad-spectrum electromagnetic radiation having an intensity sufficient to achieve meaningful suppression in said growth potential of said pathogen *in-vivo* and wherein at least part of said apparatus is adapted for placement proximate to the *in-vivo* location of said pathogen, wherein said *in-vivo* location of said pathogen is a plant or parts thereof.
2. (Original) The apparatus according to Claim 1 wherein said electromagnetic radiation is a pulsed broad-spectrum electromagnetic radiation and said electromagnetic radiation is pulsed from about 1 to about 1000 times and for a duration of each pulse from about 1 microsecond to about 500 milliseconds.
3. (Previously presented) The apparatus according to Claim 11 wherein said electromagnetic radiation source is selected from the group consisting of halogen lamps, xenon lamps, halogen enhanced UV lamps, xenon flash lamps, mercury xenon lamps, deuterium lamps, vacuum UV lamps, mercury lamps, lasers and combinations thereof.
4. (Previously presented) The apparatus according to Claim 11 wherein said broad-spectrum electromagnetic radiation is a continuous spectrum.

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5. (Previously presented) The apparatus according to Claim 11 wherein said broad-spectrum electromagnetic radiation is a combination of at least two discrete spectra.
6. (Previously presented) The apparatus according to Claim 11 wherein said apparatus comprises a controller, said controller managing the duration and intensity of said electromagnetic radiation source.
7. (Previously presented) The apparatus according to Claim 11 wherein said apparatus is hand held.
8. (Currently Amended) The apparatus according to Claim 6 wherein said controller is manageable from a location remote ~~from~~ from the apparatus via a data link, said data link being operatively connected to said controller.
9. (Previously presented) The apparatus according to Claim 11 wherein said broad-spectrum electromagnetic radiation has an intensity from about 0.01 J/cm^2 to about 1 J/cm^2 .
10. (Previously presented) A method for achieving the meaningful suppression of the growth potential of a pathogen in a living organism comprising applying a broad-spectrum electromagnetic radiation from an apparatus according to Claim 11 to said living organism at the locus of said pathogen in said living organism
11. (Original) An apparatus for the treatment of acute otitis media in an animal comprising an electromagnetic radiation source capable of providing broad-spectrum electromagnetic radiation, wherein said broad-spectrum electromagnetic radiation has wavelengths of from about 190 nm to about 1200 nm, said broad-spectrum electromagnetic radiation having an intensity sufficient to achieve meaningful suppression in acute otitis media while minimizing erythema on the

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tympanic membrane of said animal; wherein at least part of said apparatus is adapted for placement proximate to said tympanic membrane of said animal.

12. (Original) The apparatus according to Claim 11 wherein said electromagnetic radiation is a pulsed broad-spectrum electromagnetic radiation and said electromagnetic radiation is pulsed from about 1 to about 1000 times and for a duration of each pulse from about 1 microsecond to about 500 milliseconds.
13. (Previously presented) The apparatus according to Claim 11 wherein said apparatus comprises a power source.
14. (Canceled)
15. (Canceled)
16. (Canceled)
17. (Canceled)
18. (Canceled)
19. (Canceled)
20. (Canceled)